

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY M. HERRERA,

Plaintiff,

v.

JEFF LYNCH, et al.,

Defendants.

No. 2:24-cv-1660 DJC CSK P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is plaintiff's motion for a sixty-day extension of time to file an amended complaint, which was filed on November 8, 2024. (ECF No. 26.) For the reasons discussed herein, plaintiff's motion is denied.

On September 6, 2024, plaintiff filed a Notice of Election form indicating that plaintiff opted to proceed with the Eighth Amendment claim against defendants Akins, Mayfield and Raubery. (ECF No. 19.) Under this option, plaintiff consented to dismissal of all other claims raised in the complaint without prejudice. (*Id.*) In the Notice of Election form, plaintiff did not opt to file an amended complaint. (*Id.*) On September 20, 2024, this Court ordered service of plaintiff's complaint on defendants Akins, Mayfield and Raubery as to plaintiff's Eighth Amendment claim. (ECF No. 20.)

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1 Plaintiff's motion for a sixty-day extension of time to file an amended complaint is denied
2 as unnecessary because there is no pending deadline for plaintiff to file an amended complaint.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for a sixty-day extension
4 of time to file an amended complaint is denied as unnecessary.

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6 Dated: November 13, 2024

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8 CHI SOO KIM
9 UNITED STATES MAGISTRATE JUDGE

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